

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, continued to reject all claims 1-4 and 6-7. In response, Applicant submits the foregoing amendments and the following remarks. Specifically, independent claims 1 and 7 are amended. No new matter has been added to the application by this amendment. Upon entry of the foregoing amendment, claims 1-4, 6, and 7 are pending in the application. Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. §102(b)

Claims 1, 3, 4, 6 and 7 are rejected under 35 U.S.C. §102(b) as unpatentable by US 5,123,581 to Curtis (hereinafter "Curtis"). Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons. The amendments to independent claims 1 and 7 render the rejections moot. Notwithstanding, Applicant submits the following additional distinguishing remarks.

The rejection of a claim for anticipation under 35 U.S.C. §102 requires that the prior art reference include every element of the rejected claim. Furthermore, as stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claim." *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

As amended, claim 1 recites:

1. An apparatus for splitting a test piece with a slit, comprising:
a base with a centerline ***for aligning with the slit of the test piece***;
two pillars disposed on the base separated by a fixed first interval
to support the test piece at a first side of the test piece,

wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and a sliding piece disposed on and in contact with the base at a second side of the test piece, which is opposite to the first side thereof, wherein the sliding piece is slidable on the base along the centerline thereof and has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline, ***and the two fingers are arranged to contact the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit.***

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above.

As reflected above, independent claim 1 defines an apparatus for splitting a test piece with a slit, comprising a base with a centerline for aligning with the slit of the test piece, two pillars and a sliding piece. The two pillars are disposed on the base separated by a fixed first interval to support the test piece at a first side thereof, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline. The sliding piece is disposed on and in contact with the base at a second side of the test piece, which is opposite to the first side thereof, wherein the sliding piece is slidable on the base along the centerline thereof and has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline, and the two fingers are arranged to contact the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit.

Similarly, claim 7 has been amended to recite:

7. An apparatus for splitting a **test piece with a slit**, comprising:
a base having a groove formed along a centerline defined on the base, **wherein the centerline is used for aligning with the slit of the test piece**;
two pillars disposed on the base and separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and
a sliding piece, disposed on and in contact with the base, having a protrusion slidable in the groove, wherein the sliding piece has two fingers parallel to the centerline and separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline, **and the two fingers are arranged to contact the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit.**

(*Emphasis added*). Claim 7 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above.

As reflected above, independent claim 7 defines an apparatus for splitting a test piece with a slit, comprising a base having a groove formed along a centerline defined on the base, wherein the centerline is used for aligning with the slit of the test piece; two pillars disposed on the base and separated by a fixed first interval to support the test piece, wherein a connection line between the pillars is perpendicular to and divided equally by the centerline; and a sliding piece disposed on and in contact with the base, having a protrusion slidable in the groove, wherein the sliding piece has two fingers parallel to the centerline and separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline, and the two fingers are arranged to contact the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit.

In contrast to the combination of features expressly defined in claim 1 and claim 7, Curtis discloses an oblique fracturing of optical fibers by offset shearing. As depicted in FIG. 1 of Curtis, two pedestals 12, 14 and two supporting means 13, 15 are disposed on base 11 for clamping a fiber 20. A round blade 26 is mounted on a movable carriage 27 along a guide means 28 for cutting the fiber 20 with its cutting edge.

Significantly, the fiber 20 in Curtis has no **slit** thereon, which is different from the test piece of the present application. It is apparently disclosed that the base 11 in Curtis does not have a centerline for aligning with a slit or the fiber. Moreover, the two side pieces holding up the blade 26 do not contact or press the fiber 20. Applicant therefore disagrees with the Office Action's reliance on the two side pieces holding up the blade 26 to teach the two **fingers** contacting the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit, as recited in amended claims 1 and 7 of the present application.

For at least the reasons described above, Curtis does not teach or suggest all the limitations of independent claims 1 and 7. Hence, claims 1 and 7 patently define over the cited references and are in condition for allowance. Applicant therefore respectfully requests that the rejections of the claims 1 and 7 be withdrawn and the claims passed to issue, and claims 3-4 and 6 are also allowable by virtue of their dependency from claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Rejections of §35 U.S.C. 103 (a)

Claims 1-4, 6, and 7 stand rejected under 35 U.S.C. 103(a) as allegedly obvious over US 6,561,068 to Meredith (hereinafter "Meredith") in view of US 5,060,548 to Sato (hereinafter "Sato"). Claim 1 is rejected under 35 U.S.C. §103(a) as unpatentable over US 3,157,235 to Raizk (hereinafter "Raizk") in view of SU 197708 to Borisov (hereinafter "Borisov"). Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over US 5,123,581 to Curtis. Applicant respectfully requests reconsideration and withdrawal of the rejections made by the Examiner for the reasons discussed below.

Differences between Meredith/Sato and claims 1 and 7

Meredith relevantly discloses a sliding saw comprising a rotatable table 12, a base 11 rotatably supporting the table 12, a fence 23, and a saw unit 16. As disclosed in col. 2, lines 62-64 of Meredith, the saw unit 16 includes an actionable lower blade guard 20 and a movable lower blade guard 21 for covering the lowermost region of blade 18. Since the blade guard 21 is only provided for covering the blade 18, Applicant respectfully submits that the Office Action's reliance on the blade guard 21 to teach the two fingers contacting the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit, as recited in claims 1 and 7 of the present application, is no longer applicable.

Sato discloses a desk-top circular saw comprising another type of blade guide 37. In regard with FIG. 18 of Sato, the examiner asserts that the blade guard for the circular saw is formed in two parts to protect the blade and user from both side of the blade.

Since the blade guard is only provided for protecting the blade, Applicant respectfully submits that the Office Action's reliance on the blade guard of Sato to teach the two fingers contacting the test piece at two sides of the slit when the sliding piece slides toward the test piece thereby splitting the test piece along the slit, as recited in claims 1 and 7 of the present application, is no longer applicable.

For at least the reason described above, Applicant believes that even when taken in combination, the two prior art references (Meredith and Sato) relied upon by the Examiner do not teach or suggest all the limitations of claims 1 and 7 (as amended) of the present application. Applicant therefore respectfully requests that the rejections of the claims 1 and 7 be withdrawn and the claims passed to issue, and claims 2-4 and 6 are also allowable by virtue of their dependency from claim 1.

Differences between Raizk/Borisov and claim 1

Raizk discloses a scrap metal breaker comprising a base 38, two pillars 32/33, and a sliding piece 23. The Office Action admits that Raizk does not disclose that the sliding piece has two fingers parallel to the centerline separated by a second interval, which is smaller than the first interval, and a connection line between the tips of the fingers is perpendicular to and divided equally by the centerline, as recited in claim 1 of the present application.

Borisov discloses a rolled stock cold breaking machine comprising a supporting V-shaped block 2 disposed on a fixed base 1. In regard with FIG. 1 of Borisov, the examiner asserts that the **shoulders** of the V-shaped block 2 improve the broken stock

surface quality by eliminating compressive stress in the break zone. However, since the V-shaped block 2 is a “fixed” member of the base for supporting the stock 5 rather than on a “moving” member, it is different from “the sliding piece” having two fingers contacting the test piece at two sides of the slit of the test piece, as recited in claim 1 of the present application. Hence, the **shoulders** of the V-shaped block 2 in Borisov cannot be equated to the two fingers of the sliding piece, as recited in claim 1 of the present application. Applicant submits that a person skilled in the art would not have any proper motivation to combine Raizk and Borisov to realize the invention defined in claim 1.

For at least the reasons described above, even when taken in combination, the prior art references (Raizk and Borisov) relied upon by the Examiner do not teach or suggest all the limitations of claim 1 of the present application. Applicant therefore respectfully requests that the rejection of claim 1 should be withdrawn.

Differences between Curtis and claims 2 and 3

For the same reasons described in the traversal of the rejections over Curtis, it is Applicant's view that the prior art reference relied upon by the Examiner does not teach or suggest all the limitations of claim 1 of the present application. Hence, claims 2 and 3 are also allowable by virtue of their dependency from claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

In view of all the foregoing, Applicant submits that the claims pending in this application are patentable over the references of record and are in condition for allowance. Such action at an early date is earnestly solicited.

If the Examiner believes a teleconference will expedite the examination of this application, the Examiner is invited to contact the undersigned attorney at 770-933-9500.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to deposit account 20-0778.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

/Daniel R. McClure/

By:

Daniel R. McClure, Reg. No. 38,962

600 Galleria Parkway
Suite 1500
Atlanta, Georgia 30339-5948
(770) 933-9500